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HOUSE BILL 878

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO DRIVER'S LICENSES; PROVIDING STANDARDS FOR
REVOCATION OF A PERSON'S DRIVER'S LICENSE FOR DWI-RELATED
OFFENSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] REVOCATION OF LICENSE OR
PRIVILEGE TO DRIVE--DEFINED FOR DWI-RELATED OFFENSES AND
VIOLATIONS OF THE IMPLIED CONSENT ACT. --

A. Notwithstanding any other provision of law, if
a person's privilege to drive was revoked for driving while
under the influence of intoxicating liquor or drugs, a
violation of the Implied Consent Act, driving on a revoked
license when the person's driving privileges were originally
revoked for driving while under the influence of intoxicating
liquor or drugs or a violation of the Implied Consent Act,

underscored material = new
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1 until all conditions for reinstatement are met following
2 revocation of the person's privilege to drive, the person
3 shall assume all costs for the installation and operation of
4 an approved ignition interlock device.

5 B. A certification for approval of ignition
6 interlock devices and standards for operation of ignition
7 interlock devices shall be established pursuant to rules
8 adopted by the department.

9 C. As used in this section, "revocation" means
10 that a person's driver's license and privilege to drive on the
11 public highways is terminated unless the person installs an
12 approved, operational ignition interlock device in his motor
13 vehicle. The privilege to drive a motor vehicle on the public
14 highways without an approved, operational ignition interlock
15 device installed in the person's motor vehicle and the
16 person's driver's license shall not be renewed, except that an
17 application for a new driver's license may be presented and
18 acted upon by the division after the expiration of the last
19 period of revocation.

20 Section 2. Section 66-8-111.1 NMSA 1978 (being Laws
21 1984, Chapter 72, Section 7, as amended) is amended to read:

22 "66-8-111.1. LAW ENFORCEMENT OFFICER AGENT FOR
23 DEPARTMENT-- WRITTEN NOTICE OF REVOCATION AND RIGHT TO
24 HEARING. -- On behalf of the department, a law enforcement
25 officer requesting a chemical test or directing the

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1 administration of a chemical test pursuant to Section 66-8-107
2 NMSA 1978 shall serve immediate written notice of revocation
3 and of right to a hearing on a person who refuses to permit
4 chemical testing or on a person who submits to a chemical test
5 the results of which indicate an alcohol concentration of
6 eight one-hundredths or more in the person's blood or breath
7 if the person is twenty-one years of age or older or an
8 alcohol concentration of two one-hundredths or more in the
9 person's blood or breath if the person is less than twenty-one
10 years of age. Upon serving notice of revocation, the law
11 enforcement officer shall take the license or permit of the
12 driver, if any, or permanently deface the license or permit of
13 the driver pursuant to rules adopted by the department and
14 issue a temporary license valid for twenty days or, if the
15 driver requests a hearing pursuant to Section 66-8-112 NMSA
16 1978, valid until the date the department issues the order
17 following that hearing; provided that no temporary license
18 shall be issued to a driver without a valid license or permit.
19 Unless he is acting pursuant to rules adopted by the
20 department to the contrary, the law enforcement officer shall
21 send the person's driver's license to the department along
22 with the signed statement required pursuant to Section
23 66-8-111 NMSA 1978. "